

AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1343

Introduced by Assembly Member Spitzer

February 21, 2003

An act to amend Sections 11104, 12509, and 12660 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1343, as amended, Spitzer. Vehicles: instruction permits *and driving instructor licenses*.

~~Existing~~

(1) *Existing* law authorizes the Department of Motor Vehicles to issue an instruction permit to a physically and mentally qualified person who applies for the permit, is age 15 years or over, and is enrolled in an approved driver education course and, at the same time or during the same semester, enrolled in an approved driver training course.

This bill would delete the authority to issue the instruction permit under the above described circumstances.

(2) *Existing* law requires driving instructors, as defined, to meet certain requirements.

This bill would authorize the department, at its discretion, to issue a driving school instructor's license, restricted to classroom driver education instruction only, to an applicant who is not physically able to safely operate a motor vehicle and train others in the operation of motor vehicles and who does not hold a valid California driver's license in a class appropriate for the type of vehicle in which instruction will be given.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 11104 of the Vehicle Code is amended to*
2 *read:*

3 11104. (a) Every person, in order to qualify as a driving
4 instructor, as defined in Section 310.4, shall meet all of the
5 following requirements:

6 (1) On and after July 1, 1973, have a high school education or
7 its equivalent and have satisfactorily completed a course in the
8 teaching of driver education and driver training acceptable to the
9 department.

10 (2) Within three attempts, pass an examination that the
11 department requires on traffic laws, safe driving practices,
12 operation of motor vehicles, and teaching methods and techniques.

13 (3) Be physically able to safely operate a motor vehicle and to
14 train others in the operation of motor vehicles.

15 (4) Hold a valid California driver's license in a class
16 appropriate for the type of vehicle in which instruction will be
17 given.

18 (5) Not be on probation to the department as a negligent
19 operator.

20 (6) Have a driving record that does not have an outstanding
21 notice for violating a written promise to appear in court or for
22 willfully failing to pay a lawfully imposed fine, as provided in
23 Section 40509.

24 (7) Be 21 years of age or older.

25 (b) *If an applicant cannot meet the requirements of paragraphs*
26 *(3) and (4) of subdivision (a) because of a physical disability, the*
27 *department may, at its discretion, issue the applicant a driving*
28 *school instructor's license restricted to classroom driver education*
29 *instruction only.*

30 (c) The qualifying requirements referred to in this section shall
31 be met within one year from the date of application for a license,
32 or a new application, examination, and a fee shall be required.

33 SEC. 2. Section 12509 of the Vehicle Code is amended to
34 read:

1 12509. (a) Except as otherwise provided in subdivision (f) of
2 Section 12514, the department, for good cause, may issue an
3 instruction permit to any physically and mentally qualified person
4 who meets one of the following requirements and who applies to
5 the department for an instruction permit:

6 (1) Is age 15 years and 6 months or over and has successfully
7 completed approved courses in automobile driver education and
8 driver training as provided in paragraph (3) of subdivision (a) of
9 Section 12814.6.

10 (2) Is age 15 years and 6 months or over and has successfully
11 completed an approved course in automobile driver education and
12 is taking driver training as provided in paragraph (3) of
13 subdivision (a) of Section 12814.6.

14 (3) Is over the age of 17 years and 6 months.

15 (4) Is over the age of 16 years and is applying for a restricted
16 driver's license pursuant to Section 12814.7.

17 (b) The applicant shall qualify for and be issued an instruction
18 permit within 12 months from the date of the application.

19 (c) An instruction permit issued pursuant to subdivision (a)
20 shall entitle the applicant to operate a vehicle, subject to the
21 limitations imposed by this section and any other provisions of
22 law, upon the highways for a period not exceeding 24 months from
23 the date of the application.

24 (d) Except as provided in Section 12814.6, any person, while
25 having in his or her immediate possession a valid permit issued
26 pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may
27 operate a motor vehicle, other than a motorcycle or a motorized
28 bicycle, when accompanied by, and under the immediate
29 supervision of, a California licensed driver with a valid license of
30 the appropriate class, 18 years of age or over whose driving
31 privilege is not on probation. Except as provided in subdivision
32 (e), an accompanying licensed driver at all times shall occupy a
33 position within the driver's compartment that would enable the
34 accompanying licensed driver to assist the person in controlling
35 the vehicle as may be necessary to avoid a collision and to provide
36 immediate guidance in the safe operation of the vehicle.

37 (e) Any person while having in his or her immediate possession
38 a valid permit issued pursuant to paragraphs (1) to (3), inclusive,
39 of subdivision (a), who is age 15 years and 6 months or over and
40 who has successfully completed approved courses in automobile

1 education and driver training as provided in paragraph (3) of
2 subdivision (a) of Section 12814.6, and any person while having
3 in his or her immediate possession a valid permit issued pursuant
4 to subdivision (a) who is age 17 years and 6 months or over, may,
5 in addition to operating a motor vehicle pursuant to subdivision
6 (d), also operate a motorcycle or a motorized bicycle, except that
7 the person shall not operate a motorcycle or a motorized bicycle
8 during hours of darkness, shall stay off any freeways that have full
9 control of access and no crossings at grade and shall not carry any
10 passenger except an instructor licensed under Chapter 1
11 (commencing with Section 11100) of Division 5 of this code or a
12 qualified instructor as defined in Section 18252.2 of the Education
13 Code.

14 (f) Any person while having in his or her immediate possession
15 a valid permit issued pursuant to paragraph (4) of subdivision (a),
16 may only operate a government-owned motor vehicle, other than
17 a motorcycle or a motorized bicycle, when taking the driver
18 training instruction administered by the California National Guard
19 as required by paragraph (2) of subdivision (a) of Section 21814.7.

20 (g) The department may also issue an instruction permit to a
21 person who has been issued a valid driver's license to authorize the
22 person to obtain driver training instruction and to practice that
23 instruction in order to obtain another class of driver's license or an
24 endorsement.

25 (h) The department may further restrict permits issued under
26 subdivision (a) as it may determine to be appropriate to assure the
27 safe operation of a motor vehicle by the permittee.

28 ~~SEC. 2.~~

29 *SEC. 3.* Section 12660 of the Vehicle Code is amended to
30 read:

31 12660. (a) The department may establish a program
32 authorizing a driving school licensed under Chapter 1
33 (commencing with Section 11100) of Division 5 to issue a student
34 license to operate a class 3 vehicle to any applicant 15 years of age
35 or older, subject to the conditions specified in subdivision (d).

36 (b) The department may charge any driving school
37 participating in the program a fee not to exceed two dollars (\$2)
38 per applicant to recover the department's cost in establishing and
39 monitoring the program. The fee that a participating school may

1 charge an applicant for a student license may not exceed the fee
2 that the department charges the school for the license.

3 (c) The department may remove a driving school from the
4 program if the department determines that the school has issued a
5 student license fraudulently, or has otherwise not followed the
6 requirements of the program. This fraudulent conduct may result
7 in cause for suspension or revocation of the driving school license.

8 (d) (1) Applicants shall meet the qualification standards
9 specified in regulations adopted by the department pursuant to
10 Section 12661. The student license application shall be
11 accompanied by a statement signed by the parents or guardian, or
12 person having custody of the minor, consenting to the issuance of
13 a student license to the applicant.

14 (2) No licensed driving school may issue a student license to
15 any applicant under the age of 17 years and six months unless that
16 applicant shows proof of satisfactory completion of an approved
17 course in driver education, pursuant to standards specified in
18 paragraph (4) of subdivision (a) of Section 12814.6.

19 (e) A driving school owner or an independent instructor
20 licensed under Section 11105.5 shall maintain liability insurance
21 for bodily injury or property damage caused by the use of a motor
22 vehicle in driving instruction, and for the liability of the driving
23 school, the instructor, and the student, in accordance with Section
24 11103.

25 (f) The department shall submit a report to the Legislature on
26 the progress of the program established under subdivision (a)
27 within two years after the program is implemented. The report
28 shall include, but not be limited to, an analysis of the costs and
29 benefits of the program and shall include recommendations by the
30 department.

31 (g) The director may terminate the program at any time the
32 department determines that continued operation of the program
33 would have an adverse effect on traffic safety. The finding upon
34 which the termination is based shall be reported to the Legislature
35 within 30 days following termination of the program.